

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE  
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON  
U.S. MAGISTRATE JUDGE

DATE: 6/28/10  
TIME: 11:30 AM

*Galit -v- County of Suffolk, et al., CV 05-5515 (TCP) (AKT)*

**TYPE OF CONFERENCE: STATUS CONFERENCE**

APPEARANCES:	Plaintiff	Patrick Young (Gabrielle Galit) Arthur Graseck, Jr. (David Galit)
	Defendant	Richard T. Dunne (Suffolk County Defendants) James M. Moschella (Harry Hughes) Brian Francolla (City of New York/by telephone)

**THE FOLLOWING RULINGS WERE MADE:**

1. This conference was scheduled based upon notification to the Court by Plaintiffs' counsel that the parties have not complied with the Court's prior Order of March 23, 2010. Although I made it clear to counsel at the last conference that the Court would not continue to tolerate the parties' dilatory conduct in completing discovery, such admonition does not appear to have altered the level of compliance. I have cautioned counsel today in the strongest possible terms that if these matters are not resolved in full compliance with this Order, I shall take steps to bring in counsel and their clients for purposes of a contempt proceeding.
2. The County Defendants have not filed an amended answer to the amended complaint which was filed on April 22, 2010. Counsel for the County Defendants has advised that he will file the amended answer by the close of business today.
3. After hearing arguments from all parties, I am reluctantly granting, in part, plaintiffs' motion for discovery (DE 48). To that end, I have issued the following rulings:
  - Plaintiffs may take the depositions of Officers Acevedo and Yolamas for a maximum of two hours each; these depositions are to be completed no later than July 23, 2010;
  - Defendants will take the deposition of Sgt. Stewart no later than July 23, 2010;
  - Counsel for New York City has until July 14, 2010 to produce any notes, incident reports, or IAB reports referenced during this morning's conference. If, after conducting a good-faith search for this information counsel discovers that they are no such documents, counsel shall notify the Court in writing on ECF of (1) what steps were undertaken to conduct the search; (2) who conducted the search; (3) the results of the search and (4) an explanation for the lack of documents.
  - Counsel for the City of New York shall produce to plaintiffs' counsel and counsel for the codefendants by July 14, 2010 copies of any claims brought against Harry Hughes for malicious prosecution during the five-year time period immediately preceding the date of commencement of this litigation.

4. Counsel for the Suffolk County Defendants intends to make a motion for summary judgment. He will contact Judge Platt's Chambers to obtain a date for oral argument and shall arrange for an appropriate briefing schedule with the other counsel in this case based upon the oral argument date
5. The Case Management Order is hereby amended for the final time as follows:
  - All remaining depositions completed by: **July 23**
  - Any party intending to file a motion for summary judgment must contact Judge Platt's courtroom deputy no later than **August 6, 2010** to obtain a date for oral argument and arrive at a briefing schedule
  - Joint Pre-Trial Order to be filed on ECF by: **October 8**
  - Pre-Trial Conference will be held on **October 20, 2010 at 2:30 p.m.**

These days will not be further adjourned.

SO ORDERED

/s/ A. Kathleen Tomlinson  
A. KATHLEEN TOMLINSON  
U.S. Magistrate Judge